THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.21263 of 1996

Dated:12-12-2006

BETWEEN:

R.Surendranatha Reddy and 7 others Petitioners

And

The Joint Collector, Chittoor, Chittoor District and two others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.21263 of 1996

ORDER:

1. The petitioners, eight in number, have instituted this writ petition questioning the orders passed by the Mandal Revenue Officer, Penumur Mandal, Chittoor District cancelling the D-Form pattas granted in their favour through an order passed on 26-07-1996. The writ petitioners assert that they are residing at Sathambakam village of Penumur Mandal of Chittoor District and that by hard labour and investment they could bring the lands in question into a fit condition for cultivation and that they are continuously in possession of the lands, duly cultivating the same. Therefore, they have raised a specific contention that the Mandal Revenue Officer had not collected the facts correctly before passing the orders of cancellation on 26-07-1996. However, it has been brought to my notice that as per Clause 15 of the Board Standing Order No.15, which dealt with the grant of lands for occupation subject to payment of assessment, an appeal has been provided against any order passed by the Mandal Revenue Officer to the Revenue Divisional Officer. The learned counsel for the petitioners realizes that the factual situation either relating to their residence in the village

concerned or the factum relating to their actually and physically cultivating the lands cannot be addressed or decided by this court in this writ petition. Therefore, the appellate authority would be the most appropriate agency to consider the relevant material produced by either side in this regard so as to reach an appropriate conclusion on facts. He therefore, seeks permission to avail the alternative remedy available to the petitioners. Hence, if the writ petitioners prefer any appeal on or before 31st January,2007, the same be entertained by the Revenue Divisional Officer and he may deal with the same in accordance with the merits. Till such time the petitioners prefer the appeal or expiry of the time granted for the petitioners to prefer the appeal in question, the status-quo with regard to the possession of the land is ordered to be maintained.

2. With this, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

12-12-2006

Note:

C.C. in one week.

B/o.

Stp